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17. The landscape border segment of claim 16 wherein a connection region of the rod-like member is formed between the transition region and the first end, wherein the connection region may engage a connector of the adjacent similar configured landscape border segment at a plurality of different locations within the connection region to enable various relative heights between the two adjacent connected landscape border segments.

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19. The landscape border segment of claim 10 wherein the transition region comprises at least one loop.

20. The landscape border segment of claim 10 further comprising a decorative feature coupled to the rod-like member.

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21. The landscape border segment of claim 20 wherein the decorative feature is coupled to the transition region of the rod-like member.

REMARKS

This paper amends independent claims 1 and 10. This paper cancels claims 8 and 18. Claims 1-7, 9-17, and 19-21 remain pending. Independent claims 1 and 10 were rejected over Martensen. Dependent claim 8 was rejected over Martensen in combination with McNeil and Miller. Dependent claim 18 is rejected over Martensen in view of Miller.

The additional element presented in dependent claim 8 has been added to claim 1 (not including the limitations of intervening dependent claim 5). The additional element of dependent claim 18 has been added to claim 10 (not including the limitations of intervening dependent claims). Further, additional limitations have been added to independent claims 1 and 10.



Independent Claim 1

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As amended, claim 1 now includes "wherein the transition region comprises a curved loop structure, the transition region terminating in first and second axial directions, the first and second axial directions being different." As noted in the claim, the transition region is coupled to the first end (the insertion end) and the second end (the end that is proximate the connection feature).

It is respectfully asserted that even if the prior art combination as asserted in claim 8 is combined as suggested by the Examiner, the combination still lacks the elements of claim 8 as amended. More particularly, it is noted that as amended the transition region comprises a loop that terminates in first and second axial directions that are different. The Office Action has cited Miller for illustrating loops. However, it is respectfully noted that the loops of Miller do not terminate in ends that are at axially different directions. Rather, the loops of Miller are formed with starting and ending ends that are in the same axial direction.

As such, it is respectfully submitted that as combined, the cited combination still lacks the claimed elements of independent claim 1 and each claim depending therefrom.

With respect to independent claim 10, it is respectfully noted that as now amended claim 10 includes "wherein the transition region comprises a curved loop, the curved loop terminating in different axial directions." As described above with relation to claim 1, the loops of Miller do not terminate in ends that are at axially different directions. Rather, the loops of Miller are formed with starting and ending ends that are in the same axial direction.

As such, it is respectfully submitted that as combined, the cited combination still lacks the claimed elements of independent claim 10 and each claim depending therefrom.



CONCLUSION

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In view of the foregoing, it is submitted that the claims are in condition for allowance. Accordingly, favorable reconsideration and Notice of Allowance are courteously solicited.

No extension of time is believed to be needed in connection with the filing of this paper. However, if an extension is deemed to be needed, please consider this paper to be a request for such extension and deduct any required fee from deposit account 10-1205/EASY:022.

Should any fees under 37 CFR 1.16-1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct such fees from Deposit Account No. 10-1205/EASY:022.

The examiner is invited to contact the undersigned at the phone number indicated below with any questions or comments, or to otherwise facilitate expeditious and compact prosecution of the application.

Respectfully submitted,

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APPENDIX
MARKED UP VERSION OF AMENDMENTS
AS REQUIRED BY RULE 121

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In The Claims:

1. (Amended) A landscape border segment, comprising:
 - a first end formed for insertion into the ground;
 - a transition region coupled to the first end;
 - a second end coupled to the transition region; and
 - a connection feature located proximate the second end, the connection feature formed to connect to another landscape border segment at varied locations between its transition region and first end[.],

wherein the transition region comprises a curved loop structure, the transition region terminating in first and second axial directions, the first and second axial directions being different.

8. (Canceled) The landscape border segment of Claim 5, wherein the transition region comprises a curved loop structure formed in the tubular metal material.

10. (Amended) A landscape border segment, comprising:
 - a rod-like member having two opposing ends, respectively a first end and a second end, the first end being for insertion of the rod-like member into a landscape

feature, the first end orientated in a first axial direction and the second end orientated in a second axial direction, the first and second axial directions being different;

a transition region in which the rod-like member transitions from the first axial direction to the second axial direction, wherein the transition region comprises a curved loop, the curved loop terminating in different axial directions; and

a connector located at the second end of the rod-like member, the connector configured to engage another rod-like member of another similarly configured landscape border segment.

18. (Canceled) The landscape border segment of claim 17 wherein the transition region comprises at least one loop.